

## **REMARKS / ARGUMENTS**

### **I. General Remarks.**

Please reconsider the application in view of the above amendments and the following remarks. Claims 1, 5, 6, 9, 14, 15, 22, 23, 29, 30, 34, 35, and 38 have been amended. Claims 7, 8, 10, 11, 36, and 37 were amended previously. Claims 2-4, 31-33 were cancelled previously. Claims 41-86 were withdrawn previously in response to a restriction requirement. The remaining claims are original to the application.

The remarks and arguments submitted in the previously filed Response to Final Office Action mailed December 20, 2004 (filed Feb. 21, 2005), are incorporated in this request for continued examination by reference.

### **II. Rejection of Claims 1, 5-30, and 34-40 Under 35 U.S.C. § 102(a)-(b) or Alternatively Under 35 U.S.C. § 103(a).**

In the Office Action mailed December 20, 2004 ("Office Action"), the Examiner stated: "Claims 1, 5-30, and 34-40 are rejected under 35 U.S.C. 102 (a and b) as anticipated, or in the alternative under 35 U.S.C. 103(a), as being unpatentable over Sugama '395 [hereinafter "*Sugama*"], Gay et al. '295 B1 [hereinafter "*Gay et al.*"], Neely Jr '661 B2 [hereinafter "*Neely*"], or Etherton (EP 1103533) [hereinafter "*Etherton*"]." (Office Action at 2.) Applicants respectfully disagree.

#### **A. Remarks Regarding the Examiner's Rejections Under 35 U.S.C. § 102(a)-(b).**

Claims 1, 5-30, and 34-40 stand rejected under 35 U.S.C. § 102 (a)-(b) as being anticipated by *Sugama*, *Gay et al.*, *Neely*, or *Etherton*. (Office Action at 2.) To anticipate Applicants' invention, a cited reference must teach every element of the invention. MANUAL OF PATENT EXAMINING PROCEDURE § 2131 (8th ed., rev. 2, May 2004) (hereinafter "MPEP"). Independent claims 1 and 30 have been amended to include the limitation of "dispersing the cement composition." Applicants respectfully submit that none of the cited references teaches dispersing a cement composition with a dispersant composition comprising a hydrolyzed protein in combination with a surfactant in methods of cementing, as recited in amended claims 1 and 30.

Therefore, Applicants respectfully assert that the cited references do not anticipate amended claims 1 and 30 because none of the cited references teaches every element of the invention as required. Claims 5-29, and 34-40 depend either directly or indirectly from independent claims 1 or 30. All these dependent claims, which include all the limitations of claims 1 or 30, are allowable for at least the reasons cited above. Accordingly, Applicants respectfully request withdrawal of this rejection with respect to claims 1, 5-30, and 34-40 and further request the timely issuance of a Notice of Allowance for these claims.

**B. Remarks Regarding the Examiner's Rejections Under 35 U.S.C. § 103(a).**

Claims 1, 5-30, and 34-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sugama, Gay et al.*, *Neely*, or *Etherton*. (Office Action at 2.) To obviate Applicants' invention, a cited reference must teach or suggest every element of the claimed invention. MPEP § 2143 & 2143.03. Independent claims 1 and 30 have been amended to include the limitation of "dispersing the cement composition." Applicants respectfully submit that none of the cited references teaches or suggests dispersing a cement composition with a dispersant composition comprising a hydrolyzed protein in combination with a surfactant in methods of cementing, as recited in amended claims 1 and 30.

Therefore, Applicants respectfully assert none of the cited references obviates amended claims 1 and 30 because none of the cited references teaches or suggests every element of the invention as required. Claims 5-29, and 34-40 depend either directly or indirectly from independent claims 1 or 30. All these dependent claims, which include all the limitations of claims 1 or 30, are allowable for at least the reasons cited above. Accordingly, Applicants respectfully request withdrawal of this rejection with respect to claims 1, 5-30, and 34-40 and further request the timely issuance of a Notice of Allowance for these claims.

**SUMMARY**

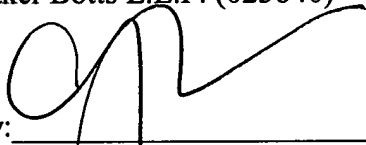
In light of the above remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections. Applicants further submit that the application is now in condition for allowance, and earnestly solicit timely notice of the same. Should the Examiner have any questions, comments, or suggestions in furtherance of the prosecution of this

application, the Examiner is invited to contact the attorney of record by telephone, facsimile, or electronic mail.

Applicants have included the appropriate fee of \$450.00 for the enclosed petition for the extension of time within the second month. Applicants believe that there are no additional fees due in association with this filing of this Response. However, should the Commissioner deem that any fees are due, Applicants respectfully request that the Commissioner accept this as a petition therefor, and direct that any additional fees be charged to Baker Botts L.L.P.'s Deposit Account No. 02-0383 (Reference Number 063718.0341).

Respectfully submitted,

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